

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

ADAM S. LEVY on behalf of himself and all others  
similarly situated,

Plaintiff,

v.

THOMAS GUTIERREZ, RICHARD J. GAYNOR, RAJA  
BAL, J. MICHAL CONAWAY, KATHLEEN A. COTE,  
ERNEST L. GODSHALK, MATTHEW E.  
MASSENGILL, MARY PETROVICH, ROBERT E.  
SWITZ, NOEL G. WATSON, THOMAS WROE, JR.,  
MORGAN STANLEY & CO. LLC, GOLDMAN,  
SACHS & CO., AND CANACCORD GENUITY INC.,  
AND APPLE, INC.

Defendants.

No. 1:14-cv-00443-JL

ECF CASE

**LEAD PLAINTIFF'S MOTION FOR FINAL APPROVAL OF  
INDIVIDUAL DEFENDANT AND UNDERWRITER DEFENDANT  
SETTLEMENTS AND PLAN OF ALLOCATION**

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Preliminarily Approving Settlements and Providing for Notice dated February 13, 2018 (ECF No. 179), and upon (i) the Declaration of John C. Browne in Support of: (I) Lead Plaintiff's Motion for Final Approval of Individual Defendant and Underwriter Defendant Settlements and Plan of Allocation; and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; (ii) the Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Individual Defendant and Underwriter Defendant Settlements and Plan of Allocation; and (iii) all other papers and proceedings herein, Lead Plaintiff, Douglas Kurz ("Lead Plaintiff"), on behalf of himself and the Settlement Classes, will

and does hereby move this Court, before the Honorable Joseph N. Laplante, on June 28, 2018 at 2:00 p.m., at the United States District Court for the District of New Hampshire, Courtroom 2, 55 Pleasant Street, Concord, NH 03301-3941, or at such other location and time as set by the Court, for entry of Judgments approving the proposed Settlements as fair, reasonable, and adequate and for entry of an Order approving the proposed Plan of Allocation as fair and reasonable. The proposed Judgments and Order granting the requested relief will be submitted with Lead Plaintiff's reply papers after the June 7, 2018 deadline for objecting to the Settlements and requesting exclusion from the Settlement Classes have passed.

Dated: May 24, 2018

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ John C. Browne

John C. Browne (Admitted *Pro Hac Vice*)

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*Liaison Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of May, 2018, the above Lead Plaintiff's Motion for Final Approval of Individual Defendant and Underwriter Defendant Settlements and Plan of Allocation was electronically served through ECF on all registered attorneys in the case under Civil Action No. 14-cv-00443-JL.

/s/ Jennifer A. Eber

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